THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13595 of 2004

Dated: 07-02-2006

Between:

Smt. Gowramma

..... PETITIONER

AND

The Collector and District

Magistrate, ananthapur and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13595 of 2004

O R D E R:

This writ petition is directed against the order dated 30-06-2004 passed by the first respondent-Collector and District Magistrate,

Anathapur confirming the order
03-12-2003 of the second respondent-Joint Collector, Ananthapur.

The facts, in brief, are as under:

The third respondent-Revenue Divisional Officer, Penukonda, Ananthapur District notified the vacancy of the fair price shop dealer of Madhudi-I Village, Agali Mandal. In response to the same, the petitioner has submitted her application and she was appointed as fair shop dealer of the Madhudi-I Village, Agali Mandal, by order dated 31-01-2003. Questioning the said order of appointment, some of the unselected candidates filed an appeal before the second respondent-Joint Collector. In the said appeal, it was contended that the certificate produced by the writ petitioner with regard to her age was not genuine and that she was also not residing at Madhudi-I Village and therefore she was not eligible for appointment as fair price shop dealer. The second respondent-Joint Collector, having heard both sides and having conducted due enquiry, allowed the appeal by order dated 03-12-2003 thereby setting aside the appointment of the writ petitioner and directing the third respondent-Revenue Divisional Officer to initiate fresh proceedings to fill up the vacancy. Challenging the same, the writ petitioner filed a revision before the first respondent-Collector and District Magistrate, Ananthapur. The said revision was dismissed by order dated 30-06-2004, thereby confirming the findings recorded by the first respondent-Joint Collector. Hence this Writ Petition.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

The material on record shows that the appointment of the petitioner was challenged mainly on three grounds, namely that she was over-aged and was not a resident of Madhudi-I Village but was actually a resident of Karnataka State and she was working in women and child welfare department. Though the objection with regard to her age could not be established, the second respondent on appreciation of the material on record recorded a finding of fact that the petitioner was not a resident of Madhudi Village. The said finding was confirmed by the first respondent- Revisional Authority.

In the light of the concurrent finding of fact recorded by the respondents 1 and 2, I do not find any substance in the contentions raised in this Writ Petition. The

concurrent finding of fact recorded by the statutory authorities does not warrant interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

The writ petition is devoid of any merit and the same is accordingly dismissed. No costs.

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G.ROHINI,J

Dated: 07-02-2006

Klp/ghn